

Notice of Allowability

Application No.

10/506,984

Examiner

Michael J. Feely

Applicant(s)

WIND ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/18/05.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 0805
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Loren D. Albin (Reg. No. 37,763) on October 26, 2005.

The application has been amended as follows:

In the claims:

14. (Currently Amended) A method of making a coating composition, comprising the steps of:
- blending and epoxy material, a reactive diluent, and an acrylic resin;
 - reacting the epoxy material and the acrylic resin to form an epoxy acrylate resin;
 - dispersing the reactive diluent and the epoxy acrylate resin into water; and
 - polymerizing the reactive diluent, wherein the aqueous coating composition formed has a volatile organic compound content of no greater than 0.4 kilogram per liter of solids, and
- wherein the composition further comprises an initiator selected from the group consisting of benzoyl peroxide, t-butyl hydroperoxide, ammonium persulfate, hydrazine, ammonium sulfites, alkali metal sulfites, bisulfites, metabisulfites, hydrosulfites, and combinations thereof.
15. (Currently Amended) A method of making a coating composition, comprising the steps of:
- blending and epoxy material, a reactive diluent, and an acrylic resin;
 - reacting the epoxy material and the acrylic resin to form an epoxy acrylate resin;

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dispersing the reactive diluent and the epoxy acrylate resin into water; and
polymerizing the reactive diluent, wherein the aqueous coating composition formed has a
volatile organic compound content of no greater than 0.4 kilogram per liter of solids, and
wherein the composition further comprises an initiator comprising benzoin and hydrogen
peroxide.

23. (Currently Amended) A coating composition prepared by the method of claim 1.

Allowable Subject Matter

2. Claims 1-24 are allowed.

The following is an examiner's statement of reasons for allowance: each of the
independent claims feature the following method steps: (a) blending and epoxy material, a
reactive diluent, and an acrylic resin; (b) reacting the epoxy material and the acrylic resin to form
an epoxy acrylate resin; (c) dispersing the reactive diluent and the epoxy acrylate resin into
water; and (d) *polymerizing the reactive diluent*, wherein the aqueous coating composition
formed has a volatile organic compound content of no greater than 0.4 kilogram per liter of
solids.

Applicant defines "reactive diluent" on page 5 of the specification: "As used in the
present invention, "reactive diluent" relates to monomers and oligomers that are essentially non-
reactive with the epoxy resin or any carboxylic acid moiety that might be present, e.g., on the
acrylic resin, under contemplated blending conditions. The reactive diluents useful in the present

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invention are also capable of undergoing a reaction to form a polymer, described as an interpenetrating network with the epoxy acrylate, or with the unsaturated moieties that may optionally be present, e.g., on the acrylic resin.”

In light of this, the Noda et al. reference (US Pat No. 5,840,384) would no longer apply. The reactive diluents of Noda et al. (aminoplast or polyether-polyol) do not conform to this definition of “reactive diluent”.

Other notable references are Votteler et al. (US 2003/0176527) and Jin et al. (US 2002/0016226). These are similar to instant invention; however, these are not aqueous systems.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

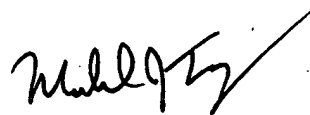
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Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is 571-272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael J. Feely
Primary Examiner
Art Unit 1712

October 28, 2005

**MICHAEL FEELY
PRIMARY EXAMINER**